

104TH CONGRESS
1ST SESSION

H. R. 1846

To establish the Yellowstone Headwaters National Recreation Area within the Gallatin and Custer National Forests in the State of Montana, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 1995

Mr. RICHARDSON (for himself, Mr. ABERCROMBIE, Mr. BARRETT of Wisconsin, Mr. BEILENSEN, Mr. BRYANT of Texas, Mr. COLEMAN, Mr. DEFazio, Mr. FARR, Mr. FILNER, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. HINCHEY, Mr. KENNEDY of Massachusetts, Mr. KILDEE, Mr. LEWIS of Georgia, Mrs. MEEK of Florida, Mr. MORAN, Mr. NADLER, Mr. OLVER, Mr. PASTOR, Mr. PORTER, Mrs. SCHROEDER, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. STUDDS, Mr. UNDERWOOD, Ms. VELÁZQUEZ, Mr. VENTO, Mr. WAXMAN, Mr. YATES, and Mr. EVANS) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish the Yellowstone Headwaters National Recreation Area within the Gallatin and Custer National Forests in the State of Montana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds that—

1 (1) the superlative natural and scenic resources
2 of the Yellowstone area lead Congress in 1872 to es-
3 tablish Yellowstone National Park as the world's
4 first national park;

5 (2) in recognition of its resource values and
6 international importance, Yellowstone National Park
7 has been designated a World Heritage Site;

8 (3) the Absaroka-Beartooth National Wilder-
9 ness Area was designated in 1978 to protect the wil-
10 derness and ecological values of certain lands north
11 and east of Yellowstone National Park;

12 (4) a 20.5 mile segment of the Clarks Fork of
13 the Yellowstone River was designated in 1990 as a
14 component of the National Wild and Scenic Rivers
15 System, the only such designation within the State
16 of Wyoming, in order to preserve and enhance the
17 natural, scenic, and recreational resources of such
18 segment;

19 (5) Henderson Mountain and certain lands of
20 the Beartooth Mountains contain important rec-
21 reational, ecological, fish and wildlife, scenic, and
22 historical resource values;

23 (6) Henderson Mountain and certain lands of
24 the Beartooth Mountains which are located up-
25 stream and adjacent to Yellowstone National Park,

1 the Absaroka-Beartooth National Wilderness Area,
2 and the Clarks Fork of the Yellowstone National
3 Wild and Scenic River, form the source of the head-
4 waters of 3 important river systems;

5 (7) past and ongoing mining practices have de-
6 graded the resource values of Henderson Mountain
7 and the Beartooth Mountains area; and

8 (8) proposed mining activities in the area
9 present a clear and present danger to the resource
10 values of the area as well as those of Yellowstone
11 National Park, the Absaroka-Beartooth National
12 Wilderness Area and the Clarks Fork National Wild
13 and Scenic River, and it is, therefore, in the public
14 interest to protect these lands from such mining ac-
15 tivities.

16 **SEC. 2. ESTABLISHMENT.**

17 (a) IN GENERAL.—In order to conserve, protect, and
18 restore the recreational, ecological, and wildlife resources
19 of the Yellowstone headwaters area and provide for the
20 protection of the adjacent Yellowstone National Park, Ab-
21 saroka-Beartooth National Wilderness Area, and Clarks
22 Fork National Wild and Scenic River, there is hereby es-
23 tablished the Yellowstone Headwaters National Recreation
24 Area within the Gallatin and Custer National Forests in

1 the State of Montana (hereinafter in this Act referred to
2 as the “recreation area”).

3 (b) AREA INCLUDED.—The recreation area shall con-
4 sist of the lands, waters, and interests therein within the
5 area generally depicted on the map entitled “Boundary
6 Map,”, numbered ____, and dated _____. The map
7 shall be on file and available for public inspection in the
8 offices of the United States Forest Service, Department
9 of Agriculture. The Secretary of Agriculture (hereinafter
10 in this Act referred to as the “Secretary”) may from time
11 to time make minor revisions in the boundary of the recre-
12 ation area to promote management effectiveness and effi-
13 ciency in furtherance of the purposes of this Act. The Sec-
14 retary shall publish notice of any such revision in the Fed-
15 eral Register.

16 **SEC. 3. ADMINISTRATION.**

17 (a) IN GENERAL.—The Secretary shall administer
18 the recreation area in accordance with this Act and with
19 the provisions of law generally applicable to units of the
20 national forest system. In the administration of such
21 recreation area, the Secretary may utilize such statutory
22 authority as may be available to him for the conservation
23 of wildlife and natural resources as he deems necessary
24 to carry out the purposes of this Act. Management of nat-
25 ural resources within the recreation area shall be per-

mitted only to the extent such management is compatible with, and does not impair, the purposes for which the recreation area is established.

(b) MANAGEMENT PLAN.—The Secretary shall, not later than 3 years after the enactment of this Act, develop a management plan for the recreation area, as an amendment to the Gallatin and Custer National Forest Management Plans, to reflect the establishment of the recreation area and to conform to the provisions of this Act. Such plan shall contain, but not be limited to, measures to maintain and enhance traditional recreational use of the area, including use for such activities as hunting, fishing, hiking, camping, and snowmobiling. Nothing in this Act shall require the Secretary to revise the Gallatin or Custer National Forest Management Plan pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974.

(c) HUNTING AND FISHING.—The Secretary shall permit hunting and fishing on lands and waters within the recreation area in accordance with applicable Federal and State law. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management or public use and enjoyment. Except in emergencies any regulations issued by the Sec-

1 retary under this subsection shall be put into effect only
2 after consultation with the appropriate State agencies re-
3 sponsible for hunting and fishing activities.

4 **SEC. 4. ACQUISITION OF LANDS.**

5 The Secretary is directed to acquire lands or interests
6 in lands within the boundaries of the recreation area that
7 are necessary to carry out the purposes of this Act by do-
8 nation, purchase with donated or appropriated funds, or
9 exchange. Lands within the boundaries of the recreation
10 area which are owned by the State of Montana or any
11 political subdivision thereof may only be acquired by dona-
12 tion or exchange.

13 **SEC. 5. MINERALS AND MINING.**

14 (a) WITHDRAWALS.—After the enactment of this Act:

15 (1) Lands within the recreation area shall not
16 be open to location of mining claims under the min-
17 ing laws of the United States.

18 (2) The Secretary of the Interior shall not issue
19 any lease under the mineral leasing or geothermal
20 leasing laws of the United States for lands within
21 the recreation area.

22 (3) Lands within the recreation area shall not
23 be available for disposal of mineral materials under
24 the Act of July 31, 1947, commonly known as the

1 Materials Act of 1947 (30 U.S.C. 601 and follow-
2 ing).

3 (b) LIMITATION ON PATENT ISSUANCE.—Notwith-
4 standing any other provision of law, no patents shall be
5 issued after June 14, 1995, for any location or claim made
6 in the recreation area under the mining laws of the United
7 States.

8 (c) PROHIBITION.—No Federal lands may be used in
9 connection with any mining or mining-related activity
10 within the recreation area.

11 (d) RECLAMATION.—No mining or mining-related ac-
12 tivity involving any surface disturbance of lands or waters
13 within such area, including disturbance through subsid-
14 ence, shall be permitted except in accordance with require-
15 ments imposed by the Secretary, including requirements
16 for reasonable reclamation of disturbed lands to a visual
17 and hydrological condition as close as practical to their
18 premining condition.

19 (e) MINING CLAIM VALIDITY REVIEW.—The Sec-
20 retary of Agriculture shall undertake and complete within
21 3 years after the date of enactment of this Act an expe-
22 dited program to examine all unpatented mining claims,
23 including those for which a patent application has been
24 filed, within the recreation area. Upon determination by
25 the Secretary of Agriculture that the elements of a contest

1 are present, the Secretary of the Interior shall expedi-
2 tiously determine the validity of such claims. If a claim
3 is determined to be invalid, the Secretary shall promptly
4 declare the claim to be null and void.

5 (f) MINING REMEDIATION.—No department or agen-
6 cy of the United States or any officer or employee thereof
7 may issue any permit, license, or other authorization to
8 any person, for any mining or mining related activity with-
9 in the recreation area until the Secretary has determined
10 that previous mining related environmental damage that
11 has occurred on lands owned or used by such person or
12 any person who controls, is controlled by or under common
13 control with, such person, has been remediated in accord-
14 ance with applicable Federal and State requirements.

15 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums
17 as may be necessary to carry out the purposes of this Act.

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